

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO DOMIGUEZ,	)	No. C 12-5896 RMW (PR)
	)	
Petitioner,	)	ORDER DENYING MOTION
	)	FOR DEFAULT JUDGMENT;
v.	)	GRANTING EXTENSION OF
	)	TIME TO FILE OPPOSITION
MATTHEW CATE,	)	
	)	
Respondent.	)	
_____	)	(Docket Nos. 14 & 17)

Petitioner, a state prisoner proceeding pro se, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 29, 2013, respondent filed a motion to dismiss. (Docket No. 16.) On July 5, 2013, petitioner filed a motion for an extension of time “to file my traverse to respondent’s reply.” (Docket No. 17.) The court construes petitioner’s motion as a request for an extension of time to file an opposition to respondent’s motion to dismiss.

Petitioner’s opposition to respondent’s motion to dismiss was due June 26, 2013. Although petitioner’s motion for an extension of time is untimely, Petitioner’s motion is **GRANTED** in the interest of justice. (Docket No. 17.) Petitioner must file an opposition to respondent’s motion **no later than twenty-eight (28) days** from the date this order is filed. If petitioner fails to file an opposition by the due date, respondent’s motion to dismiss will be deemed submitted without opposition.

Petitioner has also filed a motion for default judgment. (Docket No. 14.) After receiving an extension of time from the court (docket no. 13), respondent filed a timely motion to dismiss.

1 Therefore, petitioner's motion for default judgment is **DENIED**.

2 This order terminates docket nos. 14 and 17.

3 IT IS SO ORDERED.

4 DATED: 1 00 H

  
RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO DOMINGUEZ,  
Plaintiff,

Case Number: CV12-05896 RMW

**CERTIFICATE OF SERVICE**

v.

MATTHEW CATE,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 2, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Francisco Dominguez F-22191  
Valley State Prison (VSP)  
PO Box 96  
Chowchilla, CA 93610-0096

Dated: August 2, 2013

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk